



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025**

MAILED

SEP 14 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of
Nemirofsky et al.
Application No. 10/618,569
Filed: July 11, 2003
Attorney Docket No. EXPH0003

This is a decision in response to a petition under 37 CFR 1.137(b), filed August 3, 2009, to revive the above-identified application.

The petition is **DISMISSED AS MOOT**.

A review of the record discloses that a final Office action was mailed on December 22, 2008, which set a shortened statutory period for reply of three (3) months. An extensions of time pursuant to the provisions of 37 CFR 1.136(a) was filed on June 22, 2009. Therefore, the response in the form of an amendment filed June 22, 2009 is considered timely.

Since no abandonment exists, the petition under 37 CFR 1.137(b) is unnecessary. The petition fee of \$810 and Request for Continued Examination (RCE) fee of \$405 will be credited to counsel's deposit account in due course.

The application is being referred to Technology Center AU 3688 for appropriate action by the Examiner in the normal course of business on the reply received June 22, 2008.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059. Inquiries relating to further prosecution should be directed to the Technology Center at (571) 272-3600.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: 09/11/09		2 Serial/Patent # 10/618,569		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input type="checkbox"/>	Filing			\$
<input type="checkbox"/>	Amendment			\$
<input type="checkbox"/>	Extension of Time			\$
<input type="checkbox"/>	Notice of Appeal/Appeal			\$
<input checked="" type="checkbox"/>	Petition			\$ 810.00
<input type="checkbox"/>	Issue			\$
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$
<input type="checkbox"/>	Maintenance			\$
<input type="checkbox"/>	Assignment			\$
<input checked="" type="checkbox"/>	Other RCE			\$ 405.00
		7 TOTAL AMOUNT OF REFUND		\$ 1,215.00
		8 TO BE REFUNDED BY:		
10 REASON:		Treasury Check		
<input type="checkbox"/>	Overpayment	Credit Deposit A/C #:		
<input type="checkbox"/>	Duplicate Payment	9 0 7 -- 1 4 4 5		
<input checked="" type="checkbox"/>	No Fee Due (Explanation):			
Patent Application is not abandoned.				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: A. Kelley		TITLE: Petitions Examiner		
SIGNATURE: <i>A. Kelley</i>		PHONE: 2-6059		
OFFICE: Office of Petitions				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <i>[Signature]</i>		DATE: 9/11/09		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

**Office of Finance
Refund Branch
Crystal Park One, Room 802B**